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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

HARRIS, CHANDA L

ART UNIT PAPER NUMBER

3714

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,806

Applicant(s)

MARGGRAFF ET AL.

Examiner

Chanda L. Harris

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-- Th MAILING DATE of this communication appears on the cov r sheet with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 22 is objected to because of the following informalities: Line 7 should be "scanning code associated *with* the written element". (*emphasis added*) Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4, 10-11, 13, 15, 17-19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Plain et al. (US 6,532,314).

1. [Claims 1,11,17]: Regarding Claims 1 and 11, Plain discloses an article comprising a surface having a plurality of positions and a plurality of different print elements respectively at the plurality of positions and a plurality of substantially invisible codes (element 31) respectively at the plurality of positions and associated with the plurality of positions on the surface. See FIG.3. Plain discloses a scanning apparatus

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comprising a stylus (i.e., scanning wand) having an optical detector (i.e., conductive strip)) and an optical emitter (i.e., LCD display). See Abstract and Col.2: 3-59. Plain discloses a memory unit comprising code for different audio outputs corresponding to the different print elements and code for determining the locations of the plurality of positions, the memory unit (inherent) coupled to the processor and an audio output device (i.e., loud speaker) coupled to the processor. See Col.2: 17-23, 39-43. In order for the microprocessor in Plain to be able to store software, there must be a storage facility, hence a memory unit, to store it on.

2. [Claim 2]: Regarding Claim 2, Plain discloses wherein the article is a sheet of paper or a molded plastic body. See FIG.3.

3. [Claims 4,13]: Regarding Claims 4 and 13, Plain discloses wherein the processor, the memory unit, and the audio output device are in the stylus. See Col.2: 17-23, 39-43.

4. [Claims 10,19]: Regarding Claims 10 and 19, Plain discloses wherein the different audio outputs comprise instructions for learning math (i.e., via displaying the price associated with a scanned price indicator). See Col.2: 17-23.

5. [Claim 15]: Regarding Claim 11, Plain discloses a transceiver (i.e., conductive rubber stamp) coupled to the processor. See Col.2: 52-62.

6. [Claim 18]: Regarding Claim 18, Plain discloses scanning a first code (i.e., price indicator) associated with a first print element (i.e., price) with a scanning apparatus; receiving a first audio output corresponding to the scanned first print element; scanning a second code (i.e., price indicator) associated with a second print element (i.e., price)

with the scanning apparatus; and receiving a second audio output corresponding to the scanned second print element, wherein the second audio output is different than the first audio output. See FIG.3 and Col.2: 17-23.

7. [Claim 21]: Regarding Claim 21, Plain discloses wherein the scanning apparatus comprises a speaker. See Col.2: 17-21.

Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Beasley, Jr. (US 4,793,810).

[Claim 22]: Regarding Claim 22, Beasley discloses providing an article (i.e., apparatus) comprising a surface having a plurality of positions (i.e., SP 1-5) and a plurality of codes respectively at the plurality of positions and relating to locations of the plurality of positions on the surface. FIG.1 and Abstract. Beasley discloses writing a print element (i.e., character) on the article with a writing element in a scanning apparatus. See Abstract. Beasley discloses scanning a code associated with the written print element with the scanning apparatus (i.e., scanning the digitized representation of the user-entered stroke). See Abstract. Beasley discloses receiving an audio output corresponding to the scanned, written print element. See Abstract.

Claims 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohara et al (US 5,485,176).

1. [Claim 25]: Regarding Claim 25, Ohara discloses an article comprising a surface having a plurality of positions, and a plurality of substantially invisible codes respectively

at the plurality of positions and associated with the plurality of positions on the surface, wherein the substantially invisible codes are free of audio data (i.e., containing only visual data). See FIG. 7 and Abstract. Ohara discloses a scanning apparatus (103) comprising a stylus having an optical detector and an optical emitter (i.e., optical system), a processor (i.e., control device) coupled to the optical detector and the optical emitter, a memory unit (i.e., ROM) storing code for audio outputs and code for storing locations of the plurality of positions, the memory unit coupled to the processor, and the audio output device coupled to the processor. See Col.3: 46-52, 62-67, Col.4: 26-28 and FIG.7.

2. [Claim 26]: Regarding Claim 26, Ohara discloses wherein the article is a sheet of paper (i.e., sheet). See Col.7: 37-39.

Claims 28-29, 32, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimball et al (US 5,059,126).

1. [Claims 28,32]: Regarding Claims 28 and 32, Kimball discloses an article comprising an object and at least one sticker comprising a first substantially invisible code and a first print element, and a second substantially invisible code and a second print element, wherein the at least one sticker is on the object. See FIGS.1-2 and Col.5: 66-67. Kimball discloses a scanning apparatus comprising a stylus having an optical detector and an optical emitter (i.e., optical read head), a processor (i.e., control logic) coupled to the optical detector and the optical emitter. See Col.6: 52-55. Kimball discloses a memory unit (i.e., ROM, RAM) coupled to the processor, wherein the

memory unit comprises code for an output dependent on the scanning of the first substantially invisible code and the second substantially invisible code, and an audio output (i.e., CD player) device coupled to the processor. See Col.6: 52-66.

2. [Claims 29,35]: Regarding Claims 29 and 35, Kimball discloses wherein the first print element is on a first sticker and the second print element is on a second sticker. See FIG.1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5, 7, 9, 14, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plain in view of Creamer et al. (US 2004/0121298).

1. [Claims 3,16,20]: Regarding Claims 3,16, and 20, Plain does not disclose expressly wherein the stylus further comprises a writing element (i.e., digitally recording writing instrument) or wherein the memory unit further comprises code for asking questions, code for playing games, code for recording audio provided by the user, code for user entered data, and/or code for recognizing handwriting or printed characters (i.e., pen stroke information). However, Creamer teaches such in FIG.3 and p.3, [0025]. Therefore, at the time of the invention, it would have been obvious to one of ordinary

skill in the art to incorporate wherein the stylus further comprises a writing element into the method and system of Plain, in light of the teaching of Creamer, in order to create a digital electronic record of a handwritten response.

2. [Claims 5,7,9,14]: Regarding Claims 5, 7, 9, and 14, Plain does not disclose expressly a platform and wherein the processor, the memory unit, and the audio output device are in the platform (i.e., output device 16), wherein the different audio outputs comprise different music outputs associated with the print elements, or wherein the different audio outputs comprise the sounds of words, the spelling of words, or music. However, Creamer teaches such in FIG. 1, p.2, [0021], [0024], and p.3, [0034].

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate wherein the processor, the memory unit, and the audio output device are in the platform into the method and system of Plain, in light of the teaching of Creamer, in order to provide output in the form of audio and/or video.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plain in view of Collins et al. (US 5,855,483).

[Claim 6]: Regarding Claim 6, Plain does not disclose expressly wherein the article is a globe. However, Collins teaches a globe in FIG.7. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate a globe into the method and system of Plain, in light of the teaching of Collins, in order to teach geography.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plain in view of Carro (US 2004/0091842)

[Claim 8]: Regarding Claim 8, Plain does not disclose expressly wherein the plurality of codes comprise a plurality of dots that represent binary codes (i.e., Braille document). However, Carro teaches such in FIG.7. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Plain, in light of teaching of Carro, in order to enable accessing interactive multimedia information from Braille documents.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plain in view of Kimball (US 5,059,126).

[Claim 12]: Regarding Claim 12, Plain does not disclose expressly wherein the article comprises a sticker. However, Kimball teaches in Col.5: 66-67. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate wherein the article comprises a sticker into the method and system of Plain, in light of the teaching of Kimball, in order to affix an association with a picture.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beasley in view of Kuntz (US 6,816,702).

[Claims 23-24]: Regarding Claims 23 and 24, Beasley does not disclose expressly wherein the article is a sheet of paper (inherent in booklets) and wherein the user performs a mathematical computation when performing (b)-(d) (i.e., prompt requiring a

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diagram and explanation typical for math certificates). However, Kuntz teaches such in Col. 6: 24-29, 44-48. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Beasley, in light of the teaching of Kuntz, in order to enable a user to handwrite their responses and explain their response.

Claim 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Ohara in view of Plain.

[Claim 27]: Regarding Claim 27, Ohara does not disclose expressly wherein the processor, the memory unit, and the audio output device are in the stylus (i.e., scanning wand). However, Plain teaches such in Col.2: 17-23, 39-43. Therefore, at the time of the invention, it would have obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Ohara, in light of the teaching of Plain, in order enable audibly and visually displaying in the stylus.

Claims 30-31 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimball in view of Creamer.

[Claims 30-31,34-36]: Regarding Claims 30-31 and 34-36, Kimball does not disclose expressly wherein the output relates to numbers or wherein the first and second print elements are letters. However, Creamer teaches such on p.2, [0023]: Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Kimball, in

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light of the teaching of Creamer, in order to enable capturing and processing of responses.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimball in view of Carro (US 2004/0091842)

[Claim 33]: Regarding Claim 33, Kimball does not disclose expressly wherein the plurality of codes comprise a plurality of dots that represent binary codes (i.e., Braille document). However, Carro teaches such in FIG.7. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Kimball, in light of teaching of Carro, in order to enable accessing interactive multimedia information from Braille documents.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Redford et al. (US 5,624,265)
 - digitized song, audio recording
- Blume (US 2004/0023200)
 - stylus with audio output
- Lo (US 6,089,943)
 - book with barcode scanner

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- Morgan (US 5,596,698)
 - recognizing handwriting inputs
- McMillan (US 5,184,003)
 - stickers

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chanda L. Harris
Examiner
Art Unit 3714